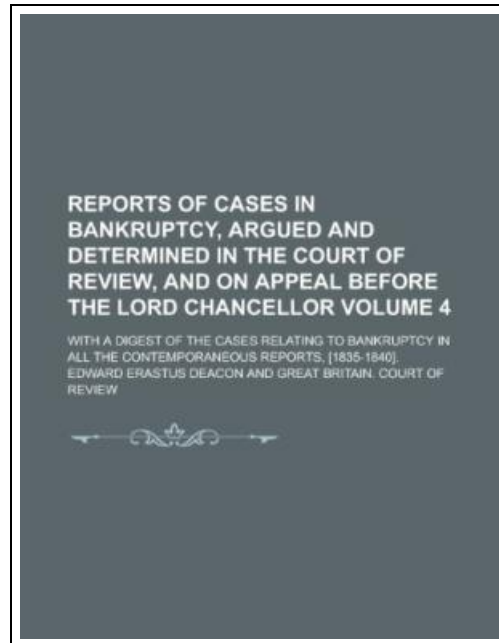


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Rarebooksclub.com, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1841 edition. Excerpt: .Mahston. In Ex parte Morris, the Vice-Chancellor says, With respect to the application to prove under section 62, I am satisfied that it applies only to subsisting partnerships at the time of the bankruptcy. There must have been a partnership in that case, otherwise the decision of the Vice-Chancellor would have been wrong. In Ex parte Bauerman we relied on the case of Ex parte Morris; but the Chief Judge said, there is no doubt that the 62nd section is only applicable to existing partnerships at the time of the bankruptcy. Here there can be no existing partnership; because the partnership was not only dissolved by the bankruptcy of several of the partners, but also by the death of Mr. Barher. Sir John Cross. Although partners dissolve their partnership, are there not still joint debts, and joint estate; and are they not still partners as to all by-gone transactions? Sir George Rose. There is never a complete dissolution of a firm, until all the partnership accounts are wound up. It is in every day s practice, that where a separate fiat is issued against one of several partners, a joint fiat issues against the other partners and the bankrupt partner; which shows that the partnership is not determined, as to the administration of the joint assets. Admitting that to be the case, there are here several solvent partners; and in Ex parte Bauerman, the decision went upon the very point, that there was no...



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